

in this application. Applicant previously cancelled Claims 1-4, 18-34, 41, 43-46, and 48-52 without prejudice or disclaimer. Claims 6-17, 35-40, and 42 were allowed and Claims 47 and 53-64 were rejected. Claims 5 and 40 were objected to due to informalities.

Claim Objections

Claims 5 and 40 were objected to by the Examiner for informalities, specifically, Claims 5 and 40 contain several misspelled words. Applicant appreciates the Examiner careful review and has amended the claims as required.

Claim Rejections Under 35 U.S.C. §112

Claim 54 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended Claim 54 to further limit Claim 47 and respectfully submits this overcomes the rejection.

Claim Rejections Under 35 U.S.C. §102

Claims 47 and 53-63 were rejected under 35 U.S.C. §102(b) as being anticipated by foreign patent publication WO 96/01617 filed by Li et al. (hereinafter "Li et al."). Applicant respectfully traverses and submits amended Claim 47 is in condition for allowance. Specifically, Claim 47 has been amended to limit the formulation to "consisting essentially of" nucleic acids having an average of greater than 5000 base pairs. Consequently, it is submitted new Claim 47 is patentably distinct over Li et al's alleged disclosure of a single nucleic acid molecule having a molecular weight greater than 5000 base pairs.

Allowable Subject Matter

Claims 5-17, 35-40 and 42 are allowed.

SUMMARY

In light of the above amendments and remarks Applicant respectfully submits that the application is now in condition for allowance and early notice of the same is earnestly

solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

An extension of one (1) month is requested and a Notification of Extension of Time under 37 C.F.R. § 1.136 with the appropriate fee of \$55.00 is attached herewith.

Applicant believes no further fees are due at this time, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

Respectfully submitted,

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